

Mr. Harris requested that he would like to have the opportunity to cross examine any witnesses that spoke tonight. County Manager Heath reminded Mr. Harris that he would need to notify the Board that the witnesses were lay witnesses or expert witnesses. Mr. Harris said that he would clarify that right now and proceeded to explain which individual was an expert and which one was a lay witness. Mr. Heath asked that we do it one at a time. After Mr. Harris' comments, Chairman Nelson asked that, for the sake of time, the witnesses stand and affirm their testimony. Mr. Harris called Kara Price, Senior VP – Permitting & Development for Geenex Solar. He explained that she was not testifying as an expert witness so the Board would not have to vote to accept her testimony as expert testimony.

- **Kara Price, Senior VP – Permitting & Development for Geenex Solar Testimony:** Ms. Price provided background information on Geenex Solar and an overview of the project. After her presentation, the following questions were asked by the Commissioners.
 - **Commissioner Lennon:** Mr. Lennon asked why the fence was separating the project. Ms. Price said the fence may or may not be installed but it is set up to be able to do in case they wanted to separate it. She further explained that there was only one access point to the project and that is a good distance from the two homes in the area. Mr. Lennon also asked about the vegetative buffer that they have proposed. Ms. Price explained that, even though she did not have the information in front of her, Perquimans County requires that they have to be a certain height at the time the project is completely constructed. She estimated them to be about 3 to 4 feet in height.
 - **Commissioner Woodard:** Mr. Woodard asked who has purchased the electricity from this project. Ms. Price said that the first 5 megawatts would fall under the traditional utility mandate that was in place which would mean that it would go to Dominion Power and the other 5 megawatts would be sold on the open market.

There being no further questions for Ms. Price, Mr. Harris introduced Chris Sandifer who is a professional Electrical Engineer that will discuss the development and design of solar projects and attest to whether or not this project will not endanger the public's health and safety. County Manager Heath stated that the Board would have to decide on whether or not this solar project would be in harmony with the County's Land Use Plan. Mr. Sandifer stepped forward and reviewed his resume which was included in the Board's handout. On motion made by T. Kyle Jones, seconded by Joseph W. Hoffler, the Board deemed Mr. Sandifer as an expert witness in education, operation, installation and decommissioning, repair, and maintenance.

- **Chris Sandifer, P.E., Electrical Engineer:** Mr. Sandifer explained each facet of the development and design of the solar panels, the poles, the fencing, etc. Each time, he stated that he did not feel that this project would in any way be harmful to the health or safety of the public. After his presentation, the following questions were asked by the Commissioners.
 - **Chairman Nelson:** Mr. Nelson questioned his background qualifying him to be an expert in health and safety of the public. Mr. Sandifer stated that we have 150 years of history in solar farms. Mr. Nelson stated again that, based on his background, he does not feel that he would be considered an expert on the health and safety of the public and the Board will have to decide.
 - **Commissioner Woodard:** Mr. Woodard asked if there were any environmental concerns. Mr. Sandifer stated that it was not. He also asked about the effect of the solar farm on water quality. Mr. Sandifer stated that it was none.
 - **Commissioner Jones:** Mr. Jones asked if Mr. Sandifer was the only individual speaking on the health, safety, & welfare of the public. Attorney Harris stated that he was and asked if he could just ask Mr. Sandifer a few questions.
 - **Mr. Harris:** Mr. Harris asked the following questions:
 - ❖ Are you (Mr. Sandifer) OSHA Certified? Mr. Sandifer responded that he was not.
 - ❖ Can you (Mr. Sandifer) please explain where you learned about the health & safety issues with solar farms? Mr. Sandifer responded by saying that he has inspected the equipment in almost 200 solar farms in North Carolina and it meets the criteria for North Carolina. He has one on his own farm and, if he felt that it was harmful to the health & safety of his family & neighbors, he would not have one on his farm.
 - ❖ Have you (Mr. Sandifer) read any materials on the health & safety of solar farms and what did these materials report? Mr. Sandifer responded that he had and that almost all of the reports indicated that they are not in conflict with the health & safety of the public. Most state colleges have prepared reports on the health & safety issues of solar farms including NC State and Clemson University and many others. Mr. Harris asked Mr. Sandifer if he had read the NC State report. He said that he had. He was also trained on the Planning Board what to look for.
 - ❖ Can you (Mr. Sandifer) explain what EMF & EMI is and what impact they have on health & safety issues? Mr. Sandifer said that anytime you have current going through any type of conductor, you will have EMF (Electromagnetic Field). The higher the magnitude of that current the greater the field would be. He further stated that the greatest concentration of EMF is at the secondary connector like a transformer. Once you get two feet away from this area, the EMR (Electronic Magnetic Radiation) is masked by the electromagnetic radiation from the earth. These panels will be more like 200-300 feet from the property line. Electromagnetic Interference (EMI) includes all modes of EMI noise and interference. These panels' Radio Frequencies Interference (RFI) is the energy component of EMI that is radiated at radio frequencies. These commercial solar facilities should be the FCC Class B limits so there would be no observable RFI outside the project boundaries. These limits are basically the same EMF as a microwave in your house.

There being no further questions for Mr. Sandifer, Mr. Harris introduced Nick Kirkland who is a Trainee Real Estate Appraiser with Kirkland Appraisals, LLC. He will provide an overview of Exhibit 6 – Solar Impact Study that was included in their handout. Mr. Harris said that Mr. Kirkland will be considered an expert in property evaluation. Mr. Kirkland came forth and provided an overview of his resume. Commissioner Jones made a motion to accept Mr. Kirkland as an expert in property evaluations. The motion was seconded by Joseph W. Hoffler. The Chairman opened the meeting up for questions. Commissioner Lennon asked Mr. Kirkland when he would be out of Trainee status. Mr. Kirkland explained the requirements and stated that he was about half way there. There being no further questions, the motion passed by a vote of five (5) to one (1) with Commissioner Lennon voting against the motion.

- **Nick Kirkland, Trainee Real Estate Appraiser with Kirkland Appraisals, LLC:** Mr. Kirkland explained how they determined the data base by using solar farms that would be similar to this one. Then, they looked for any sale of property abutting solar farms in Perquimans County and surrounding counties. He stated that they found no adjoining sales in Perquimans County but they did find over two dozen matched pairs from the surrounding counties over the State of North Carolina. From this research, they found that there was no impact on property values, provided that typical buffering and setbacks were adhered to, on properties within 125 feet to the nearest solar panel. The closest home to this farm is significantly further than that. In summary, it is his profession opinion that this solar farm would not impact abutting property real estate values.

There being no further questions for Mr. Kirkland, Mr. Harris introduced Ashton Smith, PE who is Vice President of Ballentine Associates, P.A. Mr. Smith drafted the decommissioning plan for this project which was sent out to the Board earlier. They consider him an expert in designer farms specifically in decommissioning. His resume is in Exhibit 8 and his decommissioning report should have been provided prior to the meeting tonight. Mr. Smith step forwarded and reviewed his qualifications regarding design of solar farms and decommissioning processes. Commissioner Lennon made a motion to accept Mr. Smith as an expert in designer farms and decommissioning. The motion was seconded by Fondella A. Leigh. The Chairman opened the meeting up for questions. There being no questions or comments, Chairman Nelson called for the vote. The motion was unanimously passed.

- **Ashton Smith, PE, Vice President of Ballentine Associates, P.A.:** Mr. Smith provided an overview of how he determined the decommissioning costs and process to remove the solar farm materials from the property. Afterwards, he asked the Board if they had any questions. The following question was asked:
 - **Commissioner Lennon:** Regarding the decommissioning report that was given to the Commissioners, Mr. Lennon asked about the column that lists no substation. He wanted to confirm that there was no substation for the project. Mr. Smith said that there were no substations on this project. County Manager Heath asked about the \$85,000 in the column for removal of substation equipment. Mr. Smith said that was included should there be substation equipment needing to be removed. Chairman Nelson asked about it being included in the total cost of \$351,277 which includes the \$85,000. Mr. Smith stated

that, the column listing the substation is "0" and "0" times \$85,000 is "0" so the \$85,000 was not included in the total costs. They all agreed.

There being no further questions for Mr. Smith, Mr. Harris introduced John Barefoot, Civil Engineer with Kimley Horn. He reviewed his resume and asked that he be tendered as an expert in stormwater and erosion control. County Manager Heath asked Mr. Harris how many more witnesses he had to testify. Mr. Harris said that they had one more witness to testify. It was decided to proceed with Mr. Barefoot's testimony. Mr. Barefoot reviewed his resume. Commissioner Lennon made a motion to accept Mr. Barefoot as an expert in stormwater and erosion control. The motion was seconded by Joseph W. Hoffler. The Chairman opened the meeting up for question. There being no questions or comments, Chairman Nelson called for the vote. The motion was unanimously passed.

- **John Barefoot, Civil Engineer with Kimley Horn:** Mr. Barefoot provided an overview of how the property is affected by stormwater and erosion control. From his research, he does not feel that this property would have any stormwater and erosion control issues. After his testimony, he asked the Board if they had any questions. The following questions were asked:
 - **Commissioner Woodard:** Mr. Woodard asked about the increase in flooding and if it would increase the algae in the water. Mr. Barefoot said that it would be an improvement over the current levels with regard to flooding in the area because they would prepare the soil to keep it from flooding and that it would probably decrease the amount of algae in the water.
 - **Commissioner Lennon:** Mr. Lennon asked about permitting. Mr. Barefoot explained their permitting process.

There being no further questions for Mr. Barefoot, Mr. Harris introduced Jim Harris, Manager of Land Acquisition for Geenex Solar. Jim Harris was supposed to meeting with adjacent landowners per the Planning Board's instruction and he would like to give an update from that meeting.

Chairman Nelson explained that we have a number of individuals in the audience tonight that needed to present something to the Board and we would like to recess the Public Hearing at 7:28 p.m., handle these items and reconvene the Public Hearing later in the meeting.

AGENDA

Chairman Nelson said that a copy of the amended Agenda was at their seats tonight. Joseph W. Hoffler made a motion to approve the Agenda, as amended. The motion was seconded by Charles Woodard and unanimously approved by the Board.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Fondella A. Leigh, seconded by Joseph W. Hoffler.

1. **Approval of Minutes:** August 5, 2019 Regular Meeting & August 19, 2019 Work Session Minutes
2. **Tax Refund Approval:**

PERQUIMANS COUNTY TAX REFUND:

Sawyer, David Bernard ----- \$125.63
 Vehicle sold to dealership. 8-month refund. Account Number 0037058919.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Terrance Brown	IMC I working toward IMC II – Adult Medicaid	Appointment	61/3	\$29,294	09/01/2019
Alicia White	IMC I working toward IMC II – Adult Medicaid	Appointment	61/3	\$29,294	09/01/2019
Brandon Melton	Non-Certified PT/FI Telecommunicator	Appointment	60/1	\$12.84/hr.	09/01/2019
Elena Ratcliff -Howell	Office Assistant III	Appointment	57/1	\$23,396	09/01/2019
Kristen Sutton	Deputy Register of Deeds	Appointment	58/3	\$25,671	09/01/2019
Samantha Farrar	IMC I working toward IMC II – Family/Children’s Medicaid	Promotion	61/3	\$29,294	09/01/2019
Alyssa Walters	Paramedic	Promotion	68/1	\$37,966	09/01/2019
C.J. Wilson	Paramedic	Promotion	68/5	\$41,859	09/01/2019
Tori Arroyo	Certified Deputy/SRO	Resignation			08/15/2019
Kayley Ronco	Part-Time/Fill-In EMT	Removed from Roster			08/26/2019

4. **Step/Merit Increases:**

Employee Name	Employee Job Title	Grade/Step	New Salary	Effective Date
Kathleen Brooks	Social Worker III	69/2	\$40,667	09/01/2019
Pamela Midgett	IMS II (Adult Medicaid)	67/4	\$39,104	09/01/2019

5. **Budget Amendments:**

**BUDGET AMENDMENT NO. 1
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-399-000	Fund Balance Appropriated	24,998	
10-592-741	Post Overdose Response Grant	24,998	

EXPLANATION: To amend FY 19/20 budget to include the expenditure line for the EMS Post Overdose Grant.

**BUDGET AMENDMENT NO. 2
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-014	Foundation Grant EMS	38,130	
10-592-742	Foundation Grant Expense	38,130	

EXPLANATION: To amend FY 19/20 budget to include awarded grant funds for EMS. (\$4,000 from Vidant and \$34,000 from Fire House).

**BUDGET AMENDMENT NO. 3
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	DSS - State Grants	200	
10-610-458	Medicaid Overpayments	200	

EXPLANATION: To amend FY 19-20 budget to include an expenditure line in the DSS budget for Medicaid Overpayments.

**BUDGET AMENDMENT NO. 4
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	DSS - State Grants	6,720	
10-610-199	Adoption Enhancement	6,720	

EXPLANATION: To amend FY 19/20 budget to include funds in the adoption enhancement line.

6. **Resolution:** The following Resolution was unanimously approved by the Board:

**RESOLUTION
LITTER SWEEP FALL 2019
IN PERQUIMANS COUNTY**

WHEREAS, the North Carolina Department of Transportation organizes an annual Fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Fall 2019 “*Litter Sweep*” roadside cleanup will take place September 14 - 28, 2019, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during “*Litter Sweep*” and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2019 LITTER SWEEP cleanup will celebrate the 31st Anniversary of the North Carolina Adopt-A-Highway program and its approximate 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean.

WHEREAS, the LITTER SWEEP cleanup will be a part of educating the children of this Great State regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners do hereby proclaim September 14 - 28, 2019, as “*FALL LITTER SWEEP*” time in Perquimans County and encourage its citizens to take an active role in making our community cleaner and more beautiful.

ADOPTED the 3rd day of September, 2019.

(SEAL)

Wallace E. Nelson, Chairman
Perquimans County Board of Commissioners

ATTESTED:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

7. **Board Reappointments/Resignations/Appointment:** The following Board reappointments/resignations/appointment were unanimously approved by the Board:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Hobbs, Donald	Animal Control Board	Reappointment	2 yrs.	10/01/2019
Thompson, Bethany	Animal Control Board	Reappointment	1 yr.	10/01/2019
Mathis, Lynn W.	Board of Adjustment	Reappointment	3 yrs.	10/01/2019
Eure, Sadie	Jury Commission – County Appointee	Reappointment	2 yrs.	10/01/2019
LeRoy, Peter	Local Library Board	Resignation		08/06/2019
Eason, Lula	Local Library Board	Resignation		08/07/2019
Sheehan, Sandra	Tourism Development Authority (Industry Rep)	Appointment	2 yrs.	09/01/2019

8. **Miscellaneous Documents:** The following miscellaneous documents were unanimously approved by the Board:

- **Revision of Senior Nutrition Contract:** In July, 2019, the Board approved the Senior Nutrition Contract with Albemarle Commission. When we received the fully executed contract, the reimbursement rate per unit of service was change from \$10.76 for each hour of Nutrition Service served to eligible clients to \$11.30 which is her correct rate of pay. This is to notify the Board that the error has been corrected.
- **Wooten Company – Amendment No. 1 to Agreement for Professional Services:** This amendment is limited to the available soft cost, program delivery funds. The Wooten Company will not be requesting any additional compensation.

INTRODUCTION OF NEW EMPLOYEES

The following employees were introduced to the Board:

- **Bill Jennings:** Mr. Jennings, Tax Administrator, introduced Amy Ward, Tax Clerk – DMV, who was appointed effective July 1, 2019. Ms. Ward made a few comments.
- **County Manager Heath:** Mr. Heath introduced Barry Overman, Part-time Fire Marshal, who was appointed effective August 1, 2019. Mr. Overman made a few comments.
- **Sheriff Shelby White:** Mr. White introduced Stacey Marcum, Certified Deputy/SRO, who was appointed effective August 1, 2019. Ms. Marcum made a few comments.
- **Howard Williams:** Mr. Williams, Recreation Director, introduced John Downan, Athletic Program Supervisor, who was appointed effective July 1, 2019.

Chairman Nelson welcomed them to Perquimans County.

MELODY WILKINS, EXECUTIVE DIRECTOR OF ALBEMARLE COMMISSION

Ms. Wilkins wanted to take the opportunity to come and introduce herself to the Board of Commissioners. She had been at the Commission since January, 2019.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her brief monthly report.

CONTINUED PUBLIC HEARING

Chairman Nelson reconvened the Public Hearing at 7:50 p.m. to consider Conditional Use Permit No. CUP-19-03, requested by Perquimans Solar, LLC for a Large Scale, ground-mounted Solar Power Energy System Facility in the 200-block of Pender Rd, on Tax Parcel No. 2-0061-0076A. He asked Mr. Harris to introduce his next witness. Mr. Harris introduced Jim Harris, Director of Land Development for Geenex Solar. Jim Harris was supposed to meet with adjacent landowners per the Planning Board’s instruction and he would like to give an update from that meeting. He will not be tendered as an expert witness.

- **Jim Harris, Manager of Land Acquisition for Geenex Solar:** Mr. Harris explained that, the Planning Board added the condition that he needed to talk with the abutting property owners. Blayne Kime came to the Planning Board meeting and had several questions. The reason he was concerned was because he lived right across from the proposed solar facility. He spoke in length with Mr. Kime after the meeting regarding vegetative buffering. During that conversation, Mr. Harris explained to him that the County’s new ordinance spells out what the County requires for buffering. He also explained to Mr. Kime that there is a cash bond in place so that, should Geenex not live up to those standards spelled out in the ordinance, that bond will be used to

replace the buffering that they had at the time. Last week, Mr. Harris met with Blayne, his wife, and his father to discuss buffering which turned into a conversation about EMF. No other property owners showed up for the meeting. This concluded Mr. Harris' remarks.

There being no further comments or questions for Mr. Harris, Attorney Harris stated that concluded his witnesses. Chairman Nelson asked if there were any other questions from the Board. The following questions were asked:

- **Commissioner Lennon:** Mr. Lennon asked them to distinguish between the passive solar system and the dynamic solar system. Mr. Sandifer answered by saying that one (dynamic) has moving parts and the other (passive) does not have moving parts. This system does have moving parts. Mr. Lennon also asked about the connection points for these utilities. Since these utilities will be split on two farms, will there be two connection points to the utilities. Mr. Sandifer stated that there would only be one connector/meter and they would divide the electricity between the two based on what the contract states. Mr. Lennon asked if there was going to be two sets of poles. Ms. Price and Mr. Harris stated that there would be only one set of poles and that they would be on the same side of the road as the project.
- **Chairman Nelson:** Mr. Nelson asked about their screening. According to plans, they stopped at corner and was wondering why they stopped. Ms. Price said that they stopped because it was blocking the view of the highway. They would be willing to work it out if it needed changing. Mr. Harris said that the new standards in the county's ordinance has addressed this and will see something better than what we have seen in the past.

There being no further information from the applicant's witnesses, Chairman Nelson opened the floor for public comments. The only person that signed up to speak was Brad Kime. Chairman Nelson asked Mr. Kime to come forward and be sworn in. Mr. Kime made the following comments.

- **Brad Kime:** Mr. Kime introduced himself and said that he lives in Belvidere, NC. His son and daughter-in-law live right across where proposed project will be. He wanted to preface his remarks by saying that he is not against renewable energy but he has some medical and other concerns that he would like to go over with the Board. There have been a number of experts to speak tonight to tell us about this company and he understands what was said tonight and he respects that. There has been talk about EMF and ELF and he respects their opinions. He begins to give information showing that exposure to EMF and ELF can be detrimental to your health. He said that he has done a great deal of research on this matter and does not want to be considered an expert in this field but he did want to address some of the concerns that he did have. Since he did not find out about this solar farm until about a couple of weeks ago, he quickly researched the situation. He also stated that Mr. Harris did come out to his house to meet with his family. He was very nice and right on time. We began to discuss some of his concerns but Mr. Harris said that he was unable to address them at that time because he was a land developer and not an expert in this arena to answer his questions. Mr. Kime said that we had some experts here tonight that may be able to answer his questions. He then began to read the statistics that he had obtained during his research. Basically, his research shows that, in summary:
 - EMF & ELF reports have proven that exposure to EMF & ELF has been linked to a 400% increase in childhood illnesses like leukemia, brain cancer when they live near a solar farm. They have also been linked to a 300% increase in adult illnesses like brain cancer, neurological disease, chronic allergies, sleep disruption, immune dysfunction, and a negative effect on pregnancy. As stated before, he was not against the project but has some concerns because his family lives across from it. He has a three-year grandson and hope to have another child soon. Reports made between 2007 and 2014 show that 83% of the scientists agree with these findings and 17% disagree. Therefore, there is some concerns in the scientific community about the affect solar farms have on the safety, health, and welfare of the surrounding property owners. What he is asking the Board of Commissioners to consider is to delay action on this request so that he could research this by contacting some scientists and attorneys. He was unable to do this prior to tonight's meeting because they only found out about this project about a couple of weeks ago. He just wants to protect his family. Mr. Harris explained to Mr. Kime that the solar farm was going to be approximately 60 feet from the right of way. Mr. Kime would like to explore with Geennex the possibility to moving the farm over giving a real protective buffer area in front of his son's house. Mr. Kime is asking for 90 days for them to counter the location of the farm as it relates to his son's house. He supports the benefits to the county and to the school systems and he supports renewable energy projects but he wants to protect his family's health, safety, and welfare. He might even be able to negotiate with the business to move the facility or they may be able to supply him with scientific evidence, which he did not hear tonight, why our concerns are unfounded. He again asked for 90 days to allow him to obtain more evidence to support his views and to seek legal counsel. Mr. Kime thanked the Board for listening to him and for considering his request.

Chairman Nelson asked Mr. Harris if he had any questions for Mr. Kime. Mr. Harris said that he had no questions for Mr. Kime but did express that his client would not be in favor of the 90-day delay and that his client would be willing to continue to talk with the Kime family to address their concerns. He further stated that he was not sure that the client would be willing to move the solar farm but would be willing to discuss additional screening. Lastly, Mr. Harris stated that he had two important points to make regarding Mr. Hime's testimony:

1. Mr. Kime is not an expert which he mentioned several times during his testimony and that he acquired his information from the internet and he does not think that is competent evidence in this case.
2. Mr. Kime lives in Belvidere, NC and has no standing in this project. He understands that Mr. Kime is here for his son and daughter-in-law who lives across the street from the project.

County Manager Heath responded to Mr. Harris' comment about having standing in this project. Mr. Heath stated that it is the Board's responsibility to determine if Mr. Hime has standing in this project. Mr. Hime asked the Chairman if he could respond to what Attorney Harris stated. Chairman Nelson okayed his comments:

- **Brad Kime:** Mr. Kime restated that he is not an expert and that members of Mr. Harris' panel were experts. He is just asking that the medical concerns they have been considered and to give them enough time to prepare their research and he feels that is a valid request of a resident and taxpayer of Perquimans County. He just wants to make sure that our children and grandchildren are protected. He feels that evidence is out there that supports his concerns and that, even though he is not an expert, this 90 days will allow him to obtain the experts that he needs to prove his points. He said that there is no rush and that this would give them the opportunity to obtain this information since he has not had time to obtain the information.

County Manager Heath addressed Mr. Hime's statement that he did not have enough time to obtain his information because he was unaware of this project. Mr. Heath said that this was not the case. He received appropriate notice under the laws of the State of North Carolina. He just wanted Mr. Hime and the Board to know this. There being no further comments or testimony, Chairman Nelson closed the reconvened Public Hearing at 8:20 p.m. and continued with the Regular Meeting.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

The following commissioner's concern/committee report was given:

- **Commissioner Lennon:** Mr. Lennon notified the Board that the Tourism Development Authority (TDA) had obtained another member. He also explained that they had received an explanation for the lack of funding from the Town of Hertford. He stated that, apparently, all the funds that would have been appropriated from the Town of Hertford was placed into one pot of money. The money is there all TDA has to do is request the funds. TDA has instructed Sharon Smith, Tourism Director, to meet with the Hertford Town Council and request the funds.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Hurricane Dorian:** Mr. Heath provided an update on Hurricane Dorian that is threatening the northeastern coast. The Control Group will meet tomorrow morning at 10:00 a.m. Currently, they are predicting that it will make landfall around Cape Hatteras. They are saying that it is running the same path as Hurricane Matthew did in 2016.
- **August 6th National Night Out:** Mr. Heath reported that the event was a big success.
- **Intruder Training:** Mr. Heath reported that Intruder Training was held on August 20th. Each department began discussion on what they need to do in case an armed intruder comes into their building. It was very informative.

- **ALS Support Group:** Mr. Heath attended their meeting on August 21st and Tommy Harrell will be presenting information about it later.
- **August 28th – Chowan County Water Study:** Mr. Heath met with Chowan County regarding a possible Chowan County Water Study. They are having problems with permitting issues with Department of Water Quality. They are going to apply for a \$50,000 grant to pay for the study. Perquimans County could obtain assistance with problems on that side of the water system as a result of their Water Study and there would be no money involved in the process.

APPOINTMENT: THE HIGHWAY 17/64 ASSOCIATION BOARD OF DIRECTORS

Last month, County Manager Heath explained that the Board appropriated funds in the FY 2019-20 budget to the Highway 17/64 Association. The County has been asked to appoint a representative to their Board of Directors. To date, no one has expressed an interest to serve. County Manager Heath stated that he would be willing to serve if they wished him to. On motion made by Charles Woodard, seconded by Fondella A. Leigh, the Board unanimously appointed Frank Heath to the Highway 17/64 Association Board of Directors.

LARGE SCALE PRIVATE EVENTS POLICY

County Manager Heath recognized Jonathan Nixon who presented Draft No. 2 of the large scale private events policy. He and Mr. Nixon asked them to review this over the next month. If they have any changes or corrections, please let him know before the October 7th meeting when they will take action on the policy.

PLANNING ITEM – CONDITIONAL USE PERMIT #CUP-19-03, REQUESTED BY PERQUIMANS SOLAR

Chairman Nelson opened the meeting up for discussion on how to proceed with this request. Commissioner Woodard stated that he was sympathetic to Mr. Hime's situation. Commissioner Lennon asked Mr. Heath what the actual notifications are required. Mr. Heath asked Ms. Money explained that two letters are sent out: (#1) sent 10-25 days prior to the Planning Board Meeting and (#2) sent 10-25 days prior to the Board of Commissioners meeting. T. Kyle Jones made a motion to find the proposed Conditional Use Permit No. CUP-19-03 to be consistent and in harmony with the existing development pattern around the 200 block of Pender Road, Hertford, NC. The motion was seconded by Fondella A. Leigh. Chairman Nelson asked if there were any questions or comments. Commissioner Jones explained why he was proceeding with the vote and not considering the delay of the project. There being no further questions or comments, the motion was unanimously approved by uplifted hands. Chairman Nelson and County Manager Heath gave instructions on action needed for the approval or denial of the permit. T. Kyle Jones made a motion to approve Conditional Use Permit No. CUP-19-03, for a large scale, ground-mounted Solar Power Energy System Facility in the 200 block of Pender Road on property owned by T.A. Newbold Miller, zoned RA, Rural Agricultural District, on Tax Parcel Number 2-0061-0076A, conditioned upon the extension of the vegetative buffer discussed at tonight's meeting and the other conditions contained in the draft Conditional Use Permit and adopting the following Table of Findings:

1. **That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approve.** The motion was made by T. Kyle Jones, seconded by Joseph W. Hoffler, and was approved by uplifted hands vote of five (5) to one (1) with Charles Woodard voting against the motion.
2. **That the use meets the required conditions and specifications:** The motion was made by T. Kyle Jones, seconded by Fondella A. Leigh, and was approved unanimously by uplifted hands.
3. **That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity:** The motion was made by T. Kyle Jones, seconded by Fondella A. Leigh, and approved by uplifted hands by vote of five (5) to one (1) with Commissioner Lennon voting against the motion.
4. **That the location and character of the use, if developed according to the plan is submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan:** The motion was made by Fondella A. Leigh, seconded by T. Kyle Jones, and unanimously approved by uplifted hands.

County Manager Heath explained that, if you voted nay on any of the above conditions, you will have to vote nay on the approval of this conditional use permit. T. Kyle Jones restated his motion to approve Conditional Use Permit No. CUP-19-03, for a large scale, ground-mounted Solar Power Energy System Facility in the 200 block of Pender Road on property owned by T.A. Newbold Miller, zoned RA, Rural Agricultural District, on Tax Parcel Number 2-0061-0076A, conditioned upon the extension of the vegetative buffer discussed at tonight's meeting and the following conditions contained in the draft Conditional Use Permit and adopting the Table of Findings:

- A. The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "Any significant change in land use, and/or change in the project boundary or property boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans." However, it is understood that the conceptual layout of the Solar Farm as shown on the attached Site Plan may require adjustments in the exact location of the equipment, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property.
- B. The approved Site Plan includes a total 10 Mega-watts (AC) of solar power production throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.
- C. The main point of ingress and egress for the facility will be directly off of Pender Road with an assigned 911 address of _____ Pender Rd., Hertford, NC 27944. For both aesthetics and safety, the driveway entrance leading from the public road shall be surfaced with asphalt or six inches (6") of concrete as measured from the edge of the road for at least 30 feet to facilitate site access in coordination with the NCDOT District Engineer's Office. The remainder of the access or service roads will be constructed of 6" of size 12 crushed stone compacted in native soil to a width of 20 feet with a minimum 30-foot radius of curvature. The Access Roadway is further defined as: "A road bed having a width of 20 feet with a paved entrance apron a minimum of 30 feet long and a minimum 30-foot centerline radius of curvature, with 6" inches of size 13 gravel compacted on native soil in order to provide reliable site access for site construction, maintenance, and emergency vehicles. Said roads must be maintained by the applicant, heirs and assigns to allow access for emergency vehicles. The access roadway shall be located as specified on the proposed CUP Site Plans.
- D. Prior to final project approval and issuance of a Zoning Permit, the Applicant must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- E. No occupied building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed

improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.

- F. The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties, through compliance with County Zoning Ordinance sections 907.28B(3)(a) and (c), and sections 1802 and 1803.
- G. More specifically, all solar panels and related equipment will meet all required buffering and setbacks along property lines. The buffering will consist of a security fence plus screening, as required by County Zoning Ordinance sections 907B(3)(a) and (c), 1802 and 1803, and will be continuous around those portions of the perimeter of the project which are not shielded by existing woods or which are interrupted by vehicular access roads. Mounting structures and solar panels will not exceed the maximum height of 15'. Outdoor lighting is expected to be minimal. Standard access gates will be used for any entrances to the Solar Farm and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.
- H. The Solar Farm shall be enclosed with a fence not less than seven (7) feet in height or a combination of six (6) feet or more of fence fabric and one (1) foot or more extension utilizing three or more strands of barbed wire or equivalent. Solar Farm shall be screened with either a minimum three foot (3') wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material with an initial height of at least five feet (5') with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.
- I. Vegetative Buffer Bond: To ensure proper maintenance of vegetative and other screening methods, a cash bond equal to the initial cost of installing buffers will be required to be held by Perquimans County until project decommissioning. The cash bond will remain with Perquimans County even if the project is sold.
- J. The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
- K. The Applicant, heirs and assigns shall submit a NC Department of Environmental Quality Stormwater Permit prior to zoning permit issuance.
- L. Applicant's Obligation to Restore the Property at the end of the Lease Term: The Applicants, heirs and assigns shall do the following with respect to any portions of the Property disturbed in the course of Solar Operations:
 - 1) Within six (6) months after completion of construction of the solar project, the Applicant, heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on September 3, 2019, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
 - 2) Within twelve (12) months after the expiration, surrender or termination of the lease between T.A. Newbold Miller, LLC and Perquimans Solar, LLC, the Applicants, heirs and assigns shall restore the site to substantially its RA (Rural Agricultural) condition as of the CUP approval date using prudent engineering practices where applicable, including, without limitation, the removal of (i) all improvements and solar farm related alterations on the subject tax parcel, without limitation, all fencing, roads, solar panels, racking, and pilings, and other improvements or alterations, and shall rough grade the site to the same condition of level as existed as of the CUP approval date, and (ii) any electrical or communication or other utility poles, lines and connections (unless such lines, equipment, and connections are used in connection with subject Tax Parcel and Property Owner elects to allow such lines and connections to remain); provided, however, that Applicant shall not be obligated to replant any crops or plants, and (iii) remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon, and (iv) restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of September 3, 2019, specifically to a farmable condition.
- M. The Conditional Use Permit is approved and recorded with the Applicants' conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- N. Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to complete construction of the Solar Farm in 2020. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction will be delayed beyond (December 31, 2020), the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- O. Pursuant to Section 509 of the Perquimans County Zoning Ordinance, no Certificate of Zoning Compliance will be issued until all required site improvements have been completed and an appropriately licensed person submits certified "as built drawings" to the County showing the location of the solar energy facility location, roads, transmission lines, equipment, components, and all related improvements. No Final Building Inspection will be conducted and no Certificate of Occupancy will be issued until a Certificate of Zoning Compliance has been issued.
- P. Applicant heirs and assigns shall provide an NC Department of Environmental Quality letter of approval for an Erosion and Sedimentation Control Plan prior to zoning permit issuance.
- Q. Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified "as built" drawings, County staff may confirm compliance with the specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28 B.(1)-(5), as amended October 2, 2017.
- R. Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted or otherwise required by local, State or Federal law.
- S. Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.
- T. Decommissioning: \$351, 277 cash bond to be given to Perquimans County to hold as a bond until site is decommissioned upon ceasing of operations. Cash bond is required prior to zoning permit issuance. Perquimans Solar, LLC shall provide an updated Decommissioning Cost Estimate on five(5) year intervals, prepared by a North Carolina Licensed Engineer, which shall include the gross estimated cost to perform decommissioning, not including salvage value. Perquimans Solar, LLC will update the amount of decommissioning security held by the County to equal the updated decommissioning costs.
- U. Applicant shall meet with adjacent property owners to discuss any concerns.
- V. Vegetative buffer shall extend at least 855 feet South 40 degrees East from road pavement edge on the west end of the project (to block the view through the woods clearing), then run northwesterly toward Pender Road, turning northeast running parallel with Pender Road then turning east and down the project's east side in a southeasterly direction, wrapping around the project corner in a southwesterly direction approximately 800 feet until it meets the woods line on the project's southeast side. (see attached site plan)

If any of the conditions affixed hereto or any part thereof shall be held invalid by a court or void without remedy, then this permit shall be void and of no effect.

Joseph W. Hoffler seconded the motion. Chairman Nelson and County Manager Heath explained that, if you voted against one of the above findings, you would need to vote nay on the approval of this motion. The vote was by lifted hands and the motion was approved by a vote of four (4) to two (2) with Commissioners Woodard and Lennon voting against the motion. Chairman Nelson stated that Conditional Use Permit No. 19-03 has been approved. *(See Attachment A for a full copy of Conditional Use Permit No. 19-03.)*

SALE OF SURPLUS EQUIPMENT

County Manager Heath reported that, with the help of the Finance Office and Helen Hunter, we have sold the following surplus item on GovDeals. The highest bid on the item is as follows:

BUYER	ITEM	DATE SURPLUSED	START BID	SOLD AMOUNT
Bruce Altis	Oak Veneer/Red Cover Billiards Table	3/4/19	\$200	\$275

Mr. Heath recommends the sale of this item. On motion made by Fondella A. Leigh, seconded by Charles Woodard, the Board unanimously approved the sale of this item on GovDeals.

DOBBS STREET LEASE

County Manager Heath reported that he had been approached to lease office space in the 104 Dobbs Street Building. He recommends the following Lease Agreement with Josh Lassiter. On motion made by T. Kyle Jones, seconded by Charles Woodard, the Board unanimously approved the following lease with Josh Lassiter:

**NORTH CAROLINA
PERQUIMANS COUNTY**

LEASE AGREEMENT

THIS AGREEMENT, made this the 3rd day of September, 2019 by and between PERQUIMANS COUNTY, a body politic and corporate of the State of North Carolina, Lessor, and Joshua Lassiter, Lessee;

WITNESSETH:

That subject to the terms hereinafter set forth, the Lessor does hereby let and lease unto the Lessee that portion of the County Office Building at 104 Dobbs Street in Hertford, North Carolina, which portion is known as one 10x10 office located in the rear left portion of the middle section of the Dobbs Street building, along with common space for bathrooms and storage, totaling 125 square feet.

The terms of this lease agreement are as follows:

1. The Lessee shall pay to the Lessor as rent for said property for the remainder of the fiscal year (October 1, 2019 through June 30, 2020) the sum of \$125.00 per month, with the first monthly payment being due on October 1st, and the final payment being on June 1st, 2020. If the property is rented for successive fiscal years, the annual total of \$1,500.00 is to be paid in four (4) equal quarterly payments of \$375.00 each. Payment will be due and payable on the 15th day of the first month in each of the four quarters (July 15th, October 15th, January 15th, and April 15th).
2. The term of the lease granted herein shall begin on October 1, 2019 and shall continue through June 30, 2020 and shall then continue each fiscal year thereafter until changed by written Agreement between the Lessor and the Lessee or until terminated. Quarterly payment dates will remain the same each year.
3. The Lessor shall provide and pay for utilities and janitorial services in regard to the above-described property during the term of this lease.
4. The Lessee shall neither assign this lease nor sublet the leased property or any part of the leased property without written consent of the Lessor.
5. The Lessee shall adhere to and enforce all County Policies pertaining to County Owned Buildings.
6. The Lessee shall during the term of this lease maintain the above-described premises in as good order and condition as when the Lessee took possession, reasonable wear and tear excepted, and at the expiration thereof deliver up the above-described premises in as good order and condition as when the Lessee took possession, reasonable wear and tear excepted.
7. The Lessee shall not alter the leased premises without the prior written permission of the Lessor. Any alterations or improvements to the premises are and shall remain the financial responsibility of the Lessee.
8. The Lessor shall have the right to terminate the lease herein granted if the Lessee defaults as to any of the terms of this agreement and if written notice is given to the Lessee of the Lessee's default. After the initial lease term set out above, the Lessor shall have the right to terminate the lease without cause at any time upon 90 days written notice to the Lessee. The Lessee shall be required to vacate the property within 90 days of the date of the written notice. The Lessee shall have the right to terminate this lease upon a 90 day written notice to the Lessor and upon such termination rent will be refunded for those months outstanding in the lease once all furnishings, papers, supplies and other materials owned by the Lessee have been removed from the premises.
9. The Lessor shall have the right to inspect the above referenced premises at any time during the regular work day, Monday through Friday, 8:00 a.m. – 5:00 p.m.
10. Notices: All notices under this lease agreement shall be sent as follows: To the County at Perquimans County, P.O. Box 45, Hertford, North Carolina 27944; to Joshua Lassiter, 133 Otter Way, Hertford, North Carolina 27944.

ATTEST:

PERQUIMANS COUNTY, LESSOR

Clerk to the Board of Commissioners of
Perquimans County

By: _____
Chairman, Board of Commissioners of
Perquimans County

JOSHUA LASSITER, LESSEE

By: _____

Commissioner Hoffler wanted to confirm if the name of the street was Dobbs or Dobb Street. County Manager Heath confirmed that it was Dobbs Street and that it was correct in the lease agreement.

PUBLIC COMMENTS

The following public comments were made:

- **Tommy Harrell:** Mr. Harrell presented the following information regarding ALS cases in Perquimans County:

On Monday August 26, 2019 Perquimans County had four people living with ALS, today we have three. The national incidence of ALS is 2-4 per 100,000 people, here in Perquimans County it was 4 in 13,422 or one in 3,355 on August 26 (We loss Billy Williams on August 27, 2019). The map I share with you has 14 cases of ALS in a tight area since 1990. Two of the people lived in Chowan County only a half mile across the line. 17 additional people in the northeast have had ALS that are not on this map.

ALS has a high incidence in Northeastern North Carolina in these counties: Dare (4), Martin (1), Bertie (2), Gates (1), Perquimans (3), and Hertford (2). The population of these counties is about 126,800 with one case of ALS per 9,700 people. A sheet is enclosed with the people living with ALS that are on The ALS National Registry as of August 26, 2019. You will note all of the people from our local counties are not listed, therefore these numbers vary almost daily.

The only things in common that I see with this group are: For the most part they drank well water growing up, they lived close to the Suffolk Scarf, there was a bombing range in Bear Swamp during World War II, and all live near rivers, swamps, and ditches with algae. Three of the group did not grow up here but moved in.

There is some research that suggest that there could be a link between algae blooms and ALS. The cyanobacteria, some of the oldest organisms the planet, can occur anywhere there is moisture. Some cyanobacteria produce toxic compounds that can sicken people. BMAA, Beta-Methylamino-L-alanine, a neurotoxin from the algae has been discussed as a link to ALS.

Research findings "support the hypothesis that sporadic ALS can be triggered by environmental lake quality and lake conditions that promote harmful algal blooms and increases cyanobacteria."

I have contacted the following:

- Dr. Rooney Bell, Head of the Public Health Dept. Brody School of Medicine, Greenville
- Paul Mehta, ALS Registry, Center for Disease Control, Atlanta
- Mark Benton, N C Dept of Health and Human Services, Raleigh
- Dr. Elijah Stommel, Dartmouth's Geisel School of Medicine
- Dr. Paul Cox, Brain Chemistry Labs, The Institute of Ethnomedicine, Jackson Hole, Wyoming
- Dr. Michael S. Bereman, Dept. of Biological Sciences, Dept of Chemistry, Proteomics Section Leader, Center for Human Health and the Environment, NC State. He is living with ALS

The counties in our area need to come together and ask that testing and research be done to find some answers. The bottom line is we still do not know what causes ALS.

Tommy Harrell
September 3, 2019

Mr. Harrell concluded his remarks by asking the Board to adopt a resolution supporting research for ALS. Chairman Nelson stated that the Board would take this under advisement and appreciated his remarks made tonight.

- **Venora Brothers:** Ms. Brothers came before the Board to thank them for the support of the Independence Day celebration and for the presentation that they did for Dr. Trent, the Grand Marshall of the parade. Chairman Nelson thanked her for her patience.

ADJOURNMENT

Prior to adjourning the meeting, Chairman Nelson explained that County Attorney Hackney High was not present tonight due to the death of his father. There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:55 p.m. on motion made by Charles Woodard, seconded by Fondella A. Leigh.

Wallace E. Nelson, Chairman

Clerk to the Board

* * * * *

ATTACHMENT A

Do **NOT** record this page

-Beginning of Proposed Conditional Use Permit No. CUP-19-03
to be recorded by Perquimans Solar, LLC

for

**Large scale, ground-mounted Solar Power Energy System Facility
located in the 200 block of Pender Road on property owned by T.A. Newbold Miller, LLC, at Tax Parcel # 2-0061-0076A**

Condition "U" was added per Planning Board request:

"Applicant shall meet with adjacent property owners to discuss any concerns."

Condition "V" added per BCC request:

Vegetative buffer shall extend at least 855 feet South 40 degrees East from road pavement edge on the west end of the project (to block the view through the woods clearing), then run northwesterly toward Pender Road, turning northeast running parallel with Pender Road then turning east and down the project's east side in a southeasterly direction, wrapping around the project corner in a southwesterly direction approximately 800 feet until it meets the woods line on the project's southeast side. (see attached site plan)

Do **NOT** record this page

CONDITIONAL USE PERMIT No. CUP-19-03

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On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

- Authorized Applicant:** Perquimans Solar, LLC
7804-C Fairview Road, #257
Charlotte, NC 28226
- Property Owners:** T.A. Newbold Miller, LLC c/o Catherine Marie Desser Miller
270 Queens Lane
Palm Beach, FL 33480
- Site Location:** Portion of 231 +/- acre parcel located on the southeast side of Pender Road approximately 1,700 feet southwest of Harvey Point Road intersection.
- Tax Parcel Nos:** 2-0061-0076A
- Zoning Districts:** RA, Rural Agriculture
- Proposed Use of Property:** To construct and operate a Large-Scale ground-mounted Solar Power Energy System on property located in Perquimans County, as described herein and depicted on the attached Site Plan. As stated by the Applicant in his Statement of the nature of the proposed use:

The applicant submits this application for approval to construct and operate a 10MW ground-mount solar photovoltaic facility (the Project). The Project is proposed to be constructed on approximately 74.42 fenced acres generally between 300 Pender Road and 100 Pender Road (the Project Site). The acreage comprising the Project is under the maximum 100 acres allowed by the Perquimans County Solar Energy System Ordinance 907.28(B)(1)(e). The Project will include solar panels, electric cables, transformers, and inverters and will interconnect to the existing utility infrastructure through a Dominion-owned distribution line. The only features of the Project that will be located outside the fencing will be the vegetative screening, entrances to the roads, stormwater control features and portions of the collection lines.

CONDITIONAL USE PERMIT No. CUP-19-03

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Meeting & Hearing Dates: Planning Board on 8-20-2019 ; & Board of County Commissioners on 9-3-2019.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to “Solar Farm (Large-scale, ground-mounted Solar Power Energy System)” and other conditions as follows:

- A. The Applicant, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. “Major Modification” is defined as “Any significant change in land use, and/or change in the project boundary or property boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans.” However, it is understood that the conceptual layout of the Solar Farm as shown on the attached Site Plan may require adjustments in the exact location of the equipment, pending the outcome of final survey, wetlands delineation, storm water permits, Army Corp of Engineers requirements, and maximization of solar energy production, as applicable. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads within the overall subject property.
- B. The approved Site Plan includes a total 10 Mega-watts (AC) of solar power production throughout the subject property. The facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of a single phase of construction.

CONDITIONAL USE PERMIT No. CUP-19-03

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- C. The main point of ingress and egress for the facility will be directly off of Pender Road with an assigned 911 address of _____ Pender Rd., Hertford, NC 27944. For both aesthetics and safety, the driveway entrance leading from the public road shall be surfaced with asphalt or six inches (6”) of concrete as measured from the edge of the road for at least 30 feet to facilitate site access in coordination with the NCDOT District Engineer’s Office. The remainder of the access or service roads will be constructed of 6” of size 12 crushed stone compacted in native soil to a width of 20 feet with a minimum 30-foot radius of curvature. The Access Roadway is further defined as: “A road bed having a width of 20 feet with a paved entrance apron a minimum of 30 feet long and a minimum 30-foot centerline radius of curvature, with 6” inches of size 13 gravel compacted on native soil in order to provide reliable site access for site construction, maintenance, and emergency vehicles. Said roads must be maintained by the applicant, heirs and assigns to allow access for emergency vehicles. The access roadway shall be located as specified on the proposed CUP Site Plans.
- D. Prior to final project approval and issuance of a Zoning Permit, the Applicant must apply for and obtain a Driveway Permit from the North Carolina Department of Transportation (NCDOT).
- E. No occupied building structures are anticipated for the solar facility at this time; however, any future proposal to construct an Accessory Building on the property will require the Applicant, heirs and assigns to first apply for and obtain Zoning and Building Permits in compliance with minimum design standards and may require review by the Planning Board to determine if the proposed improvement constitutes a Major Modification. Prior to issuance of a Zoning Permit for any new building, the Applicant, heirs and assigns must provide a Site Plan detailing the existing and proposed site improvements, pursuant to Section 509 of the Perquimans County Zoning Ordinance.

- F. The Solar Energy System equipment and any potential future buildings or structures, shall be secured and screened from routine view from public rights-of-way, existing residential uses and adjacent properties, through compliance with County Zoning Ordinance sections 907.28B(3)(a) and (c), and sections 1802 and 1803.
- G. More specifically, all solar panels and related equipment will meet all required buffering and setbacks along property lines. The buffering will consist of a security fence plus screening, as required by County Zoning Ordinance sections 907B(3)(a) and (c), 1802 and 1803, and will be continuous around those portions of the perimeter of the project which are not shielded by existing woods or which are interrupted by vehicular access roads. Mounting structures and solar panels will not exceed the maximum height of 15'. Outdoor lighting is expected to be minimal. Standard access gates will be used for any entrances to the Solar Farm and will be kept locked and secured at all times when authorized personnel are not occupying the property. The Facility will meet all Local, State and Environmental requirements.

CONDITIONAL USE PERMIT No. CUP-19-03

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- H. The Solar Farm shall be enclosed with a fence not less than seven (7) feet in height or a combination of six (6) feet or more of fence fabric and one (1) foot or more extension utilizing three or more strands of barbed wire or equivalent. Solar Farm shall be screened with either a minimum three foot (3') wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material with an initial height of at least five feet (5') with expected growth of at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance.
- I. Vegetative Buffer Bond: To ensure proper maintenance of vegetative and other screening methods, a cash bond equal to the initial cost of installing buffers will be required to be held by Perquimans County until project decommissioning. The cash bond will remain with Perquimans County even if the project is sold.
- J. The Applicant, heirs and assigns shall take every precaution to ensure there is no increased stormwater directed onto adjacent properties resulting from new construction and development on the subject property. Should unforeseen stormwater problems occur, the Applicant, heirs and assigns shall take immediate action to rectify the situation in coordination with the owner of any adjacent property adversely impacted by stormwater runoff.
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- 1) Within six (6) months after completion of construction of the solar project, the Applicant, heirs and assigns, shall restore such portions of the Property to a condition reasonably similar to its condition on September 3, 2019, except for any parts of the Property that the Applicant determines it needs for continuing Solar Operations; and
 - 2) Within twelve (12) months after the expiration, surrender or termination of the lease between T.A. Newbold Miller, LLC and Perquimans Solar, LLC, the Applicants, heirs and assigns shall restore the site to substantially its RA (Rural Agricultural) condition as of the CUP approval date using prudent engineering practices where applicable, including, without limitation, the removal of (i) all improvements and solar farm related alterations on

CONDITIONAL USE PERMIT No. CUP-19-03

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the subject tax parcel, without limitation, all fencing, roads, solar panels, racking, and pilings, and other improvements or alterations, and shall rough grade the site to the same condition of level as existed as of the CUP approval date, and (ii) any electrical or communication or other utility poles, lines and connections (unless such lines, equipment, and connections are used in connection with subject Tax Parcel and Property Owner elects to allow such lines and connections to remain); provided, however, that Applicant shall not be obligated to replant any crops or plants, and (iii) remove from such portions of the Property any Solar Energy System owned or installed by Applicant thereon, and (iv) restore, in a commercially reasonable manner and to commercially reasonable standards, such portions of the Property to a condition reasonably similar to its condition as of September 3, 2019, specifically to a farmable condition.

- M. The Conditional Use Permit is approved and recorded with the Applicants' conceptual Site Plans, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.

- N. Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant’s intent to complete construction of the Solar Farm in 2020. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction will be delayed beyond (December 31, 2020), the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit.
- O. Pursuant to Section 509 of the Perquimans County Zoning Ordinance, no Certificate of Zoning Compliance will be issued until all required site improvements have been completed and an appropriately licensed person submits certified “as built drawings” to the County showing the location of the solar energy facility location, roads, transmission lines, equipment, components, and all related improvements. No Final Building Inspection will be conducted and no Certificate of Occupancy will be issued until a Certificate of Zoning Compliance has been issued.
- P. Applicant heirs and assigns shall provide an NC Department of Environmental Quality letter of approval for an Erosion and Sedimentation Control Plan prior to zoning permit issuance.

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- Q. Continued Access and Inspections: For a period of up to 12 months after the Applicant, heirs and assigns submits the certified “as built” drawings, County staff may confirm compliance with the specifications determined to be within compliance according to the Perquimans County Zoning Ordinance, Sections 907.28 B.(1)-(5), as amended October 2, 2017.
- R. Sign Permits: A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted or otherwise required by local, State or Federal law.
- S. Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.
- T. Decommissioning: \$351, 277 cash bond to be given to Perquimans County to hold as a bond until site is decommissioned upon ceasing of operations. Cash bond is required prior to zoning permit issuance. Perquimans Solar, LLC shall provide an updated Decommissioning Cost Estimate on five(5) year intervals, prepared by a North Carolina Licensed Engineer, which shall include the gross estimated cost to perform decommissioning, not including salvage value. Perquimans Solar, LLC will update the amount of decommissioning security held by the County to equal the updated decommissioning costs.
- U. Applicant shall meet with adjacent property owners to discuss any concerns.
- V. Vegetative buffer shall extend at least 855 feet South 40 degrees East from road pavement edge on the west end of the project (to block the view through the woods clearing), then run northwesterly toward Pender Road, turning northeast running parallel with Pender Road then turning east and down the project’s east side in a southeasterly direction, wrapping around the project corner in a southwesterly direction approximately 800 feet until it meets the woods line on the project’s southeast side. (see attached site plan)

If any of the conditions affixed hereto or any part thereof shall be held invalid by a court or void without remedy, then this permit shall be void and of no effect.

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IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Wallace Nelson, Chair, Board of Commissioners Date

Attest: _____ (Seal)
 Mary P. Hunnicutt, Clerk to the Board Date

 I (We), _____, authorized Applicant(s) of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Perquimans Solar, LLC

Date

By: _____, Its _____

The State of _____

_____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20_____.

Notary Public

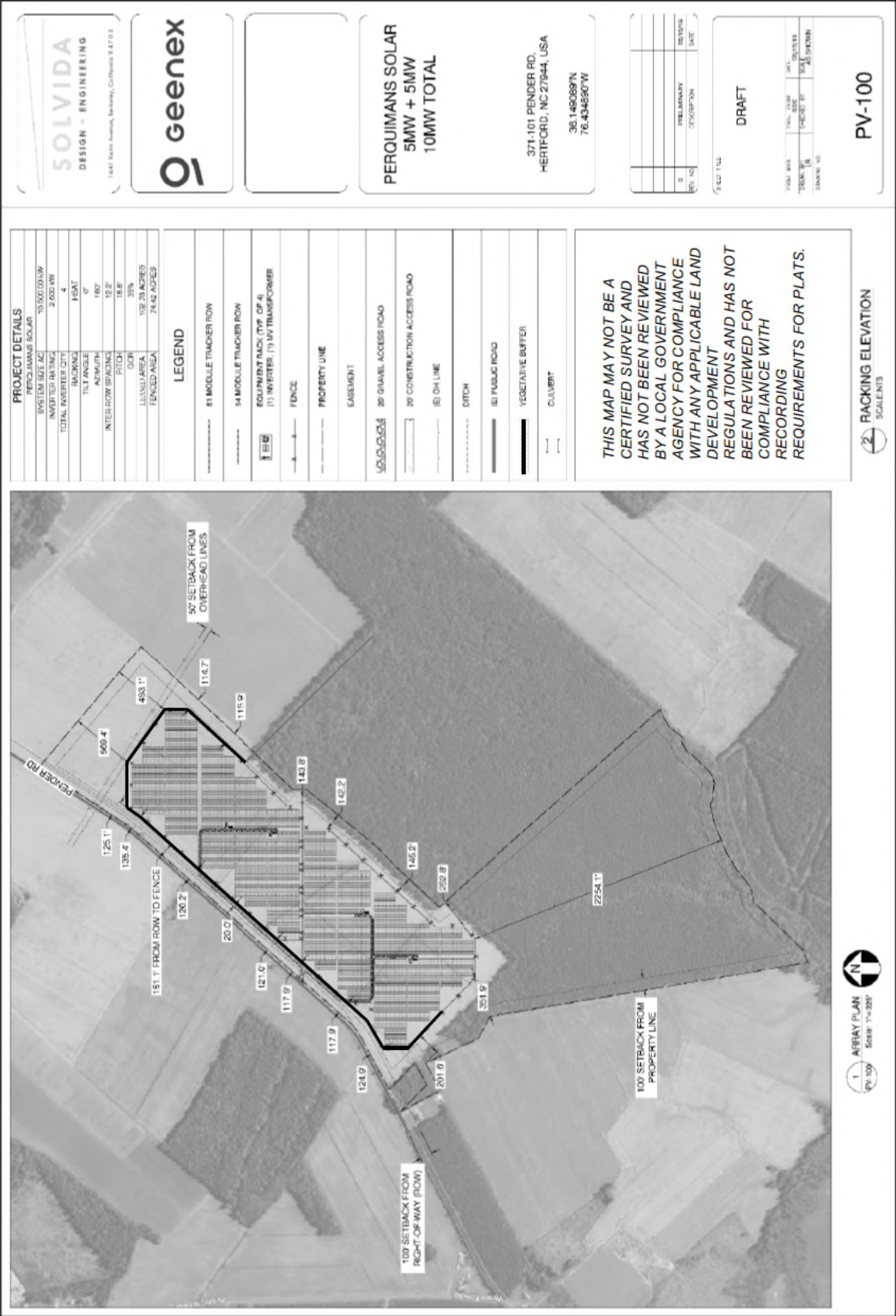
My Commission expires: _____
(Not valid until fully executed and recorded)

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Insert Here Site Plan(s) no larger than 8.5" X 14"
which bear(s) the following statement:

*"THIS MAP MAY NOT BE A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR
COMPLIANCE WITH ANY APPLICABLE
LAND DEVELOPMENT REGULATIONS AND HAS
NOT BEEN REVIEWED FOR COMPLIANCE WITH
RECORDING REQUIREMENTS FOR PLATS."*

SITE PLAN IS ON NEXT PAGE



Do NOT record this page

- End of Proposed Conditional Use Permit No. CUP-19-03
to be recorded by Perquimans Solar, LLC

for

**Large scale, ground-mounted Solar Power Energy System Facility
located in the 200 block of Pender Road on property owned by T.A. Newbold Miller, LLC, at Tax Parcel # 2-0061-0076A**

Condition "U" was added per Planning Board request:

"Applicant shall meet with adjacent property owners to discuss any concerns."

Condition "V" added per BCC request:

Vegetative buffer shall extend at least 855 feet South 40 degrees East from road pavement edge on the west end of the project (to block the view through the woods clearing), then run northwesterly toward Pender Road, turning northeast running parallel with Pender Road then turning east and down the project's east side in a southeasterly direction, wrapping around the project corner in a southwesterly direction approximately 800 feet until it meets the woods line on the project's southeast side. (see attached site plan)

Do NOT record this page
